

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS AND JURY
DEMAND**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Justin Wayne Heath (Plaintiff)

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

N/A

3. Other Plaintiff and capacity (i.e. administrator, executor, guardian,
conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
the time of implant:

Tennessee

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
the time of injury:

Tennessee

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Tennessee

- 1 7. District Court and Division in which venue would be proper absent direct
2 filing:
3 U.S. District Court – Middle District of Tennessee, Nashville Division
- 4 8. Defendants (check Defendants against whom Complaint is made):
5 ☒ C.R. Bard Inc.
6 ☒ Bard Peripheral Vascular, Inc.
- 7 9. Basis of Jurisdiction:
8 ☒ Diversity of Citizenship
9 ☐ Other: _____
10 ☐ Other allegations of jurisdiction and venue not expressed in Master
11 Complaint:
12 _____
13 _____
14 _____
- 15 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is (are) making
16 a claim (check applicable Inferior Vena Cava Filter(s)):
17 ☐ Recovery[®] Vena Cava Filter
18 ☒ G2[®] Vena Cava Filter
19 ☐ G2[®] Express (G2[®] X) Vena Cava Filter
20 ☐ Eclipse[®] Vena Cava Filter
21 ☐ Meridian[®] Vena Cava Filter
22 ☐ Denali[®] Vena Cava Filter
23 ☐ Other: _____
- 24 11. Date of implantation as to each product:
25 February 27, 2008
26 _____
- 27 12. Counts in the Master Complaint brought by Plaintiff(s):
28 ☒ Count I: Strict Products Liability – Manufacturing Defect

- 1 ☒ Count II: Strict Products Liability – Information Defect (Failure to
2 Warn)
- 3 ☒ Count III: Strict Products Liability – Design Defect
- 4 ☒ Count IV: Negligence - Design
- 5 ☒ Count V: Negligence - Manufacture
- 6 ☐ Count VI: Negligence – Failure to Recall/Retrofit
- 7 ☒ Count VII: Negligence – Failure to Warn
- 8 ☒ Count VIII: Negligent Misrepresentation
- 9 ☒ Count IX: Negligence *Per Se*
- 10 ☒ Count X: Breach of Express Warranty
- 11 ☒ Count XI: Breach of Implied Warranty
- 12 ☒ Count XII: Fraudulent Misrepresentation
- 13 ☒ Count XIII: Fraudulent Concealment
- 14 ☐ Count XIV: Violations of Applicable _____ (insert state) Law
15 Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- 16 ☐ Count XV: Loss of Consortium
- 17 ☐ Count XVI: Wrongful Death
- 18 ☐ Count XVII: Survival
- 19 ☒ Punitive Damages
- 20 ☐ Other(s): _____ (please state the facts
21 supporting this Count in the space immediately below)
22 _____
23 _____
24 _____
25 _____
- 26 13. Jury Trial demanded for all issues so triable?
- 27 ☒ Yes
- 28 ☐ No

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RESPECTFULLY SUBMITTED this 16th day of November 2017.

LAW OFFICES OF BEN C. MARTIN

By: /s/ Ben C. Martin

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ATTORNEYS FOR PLAINTIFF

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of November 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Ben C. Martin
Ben C. Martin